

Conversation Contents

Fwd: Bears Ears Executive Summary and Initial Data Request

Attachments:

/190. Fwd: Bears Ears Executive Summary and Initial Data Request/1.1 Additional Information Requested on Bears Ears NM_5-19-17.docx

"Bowman, Randal" <randal_bowman@ios.doi.gov>

From: "Bowman, Randal" <randal_bowman@ios.doi.gov>
Sent: Fri May 19 2017 19:11:27 GMT-0600 (MDT)
To: Downey Magallanes <downey_magallanes@ios.doi.gov>
Subject: Fwd: Bears Ears Executive Summary and Initial Data Request
Attachments: Additional Information Requested on Bears Ears NM_5-19-17.docx

Here it is, in the word attachment below. It won't take you long to go through. The "additional information" connects to google docs and needs a new invitation. Our keeper of those for this project left before I could find out if this is a copy of what they have already uploaded for the economists to review, or the zip file with citations etc.that Nikki mentions. I will clarify that Monday, but for now we can't access it. Some of the material in the word file needs also needs more details, such as no indication of what type of wilderness study area they are referencing; will also ask them for more info first thing Monday.

However, given the time constraints, this is an outstanding job, given that they also provided all of the information on the longer request from our economists. If there is a political staff meeting Monday or Tuesday you might want to give them a pat on the back for future encouragement. It was the Bears Ears staff and the National Conservation System Lands DC staff who did all this.

We were just under 50,000 comments on reg.gov at 5:30 or thereabouts when I last checked. I did a random skip through and still found nothing but general expressions of opposition to any changes or a much lower number of general support for making changes. I didn't see anything substantive.

We should have the DiscoverText contract sometime Monday, and the CIO staff still expect to have their paperwork done no later than Thursday. We can start using the system then to review comments in volume, and will work with the company on coding etc between Monday and Thursday. It will be all hands on Bears Ears until those comments are all categorized.

Lastly, would like to confirm my recollection that the Secretary is not going to decide on Grand Staircase with Bears Ears, but will consider it with the other monuments in the 2nd round. I don't want to tell BLM to ease up on that without your confirmation that I remembered that point correctly.

----- Forwarded message -----

From: **Moore, Nikki** <nmoore@blm.gov>
Date: Fri, May 19, 2017 at 5:13 PM

Subject: Bears Ears Executive Summary and Initial Data Request

To: "Bowman, Randal" <randal_bowman@ios.doi.gov>

Cc: Kathleen Benedetto <kathleen_benedetto@ios.doi.gov>, John Ruhs <jruhs@blm.gov>, Michael Nedd <mnedd@blm.gov>, Aaron Moody <aaron.moody@sol.doi.gov>, Sally Butts <sbutts@blm.gov>, Edwin Roberson <eroberso@blm.gov>, Anita Bilbao <abilbao@blm.gov>, Kristin Bail <kbail@blm.gov>, "McAlear, Christopher" <cmcalear@blm.gov>, Timothy Fisher <tjfisher@blm.gov>, Matthew Allen <mrallen@blm.gov>, Peter Mali <pmali@blm.gov>

Hi Randy,

We have completed our review of the initial responses provided in response to the April 26, 2017 Executive Order 13792 and initial data request. The executive summary, detailed response for the requested items, and supporting sources of information have been uploaded to the respective Google Drive folder for the Bears Ears National Monument.

Per your request, I have also attached the additional information requested in a word document along with a zip drive that contains supporting data and documents.

 [Additional Information on Bears Ears Attachment...](#)

Nikki Moore

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**Additional Information Requested on Executive Order on the Review
of Designations Under the Antiquities Act**

BLM-Utah Responses to Additional Questions

- a) Any legislative language, including legislation in appropriations bills

The boundary of Bears Ears National Monument (BENM) is largely congruent with similar designations proposed in the Utah Public Lands Initiative (UPLI) (H.R. 5780).

- b) alternative options available for protection of resources applicable at each monument, such as Native American Graves Protection and Repatriation Act, Paleontological Resources Preservation Act, Archaeological Resources Protection Act, Historic Preservation Act and agency-specific laws and regulations.

The following options could provide some options to protect specific resources found in BENM. Protection would likely occur on a site-by-site or resource-by-resource basis and also would take a significant amount of time to accomplish under these various laws. These laws may not provide a mechanism to protect all cultural or tribal resources in BENM. For example, there are no statutory protections for cultural landscapes, but such resources could be protected under the Antiquities Act. See also the attached *Stegner Center_NM vs NCA.pdf*.

National Historic Preservation Act, (NHPA)

Native American Graves Protection and Repatriation Act, (NAGPRA)

Paleontological Resources Preservation Act, (PRPA)

Archaeological Resources Protection Act, (ARPA)

American Indian Religious Freedom Act (AIRFA)

- c) Designated wilderness areas (name, acreage), Wilderness Study Areas (name if there is one, acreage, type), and/or areas managed to preserve wilderness or roadless characteristics that are not WSAs.

1. There is no BLM-administered designated wilderness within BENM. The US Forest Service manages the Dark Canyon Wilderness.
2. BLM manages 11 WSAs totaling 380,759 acres within BENM.
 - Bridger Jack Mesa – 6,333 acres
 - Butler Wash – 24,277 acres
 - Cheesebox Canyon – 14,831 acres
 - Dark Canyon – 67,825 acres
 - Fish Creek Canyon – 46,102 acres
 - Grand Gulch – 105,213 acres

- Indian Creek – 6,554 acres
 - Mancos Mesa – 50,889 acres
 - Mule Canyon – 6,171 acres
 - Road Canyon – 52,404 acres
 - South Needles – 160 acres
 - *WSA/ISA acres listed are the total BLM-administered surface acres from the Utah Statewide Wilderness Study Report, October 1991. GIS calculations would vary.*
3. There are ~48,800 acres within 4 areas (Dark Canyon, Mancos Mesa, Nokai Dome East and Grand Gulch) that are carried forward in the 2008 Monticello Approved RMP for protection of their wilderness characteristics. Mancos Mesa, Nokai Dome East and Grand Gulch are unavailable for oil and gas leasing. Dark Canyon is available subject to a no surface occupancy stipulation that cannot be waived, excepted or modified. All 48,400 acres are managed as avoidance areas for rights-of-way (ROW).

See: Bears Ears Existing Special Areas Calculations.pdf and MtFORMP_Existing_Special_Designations_BLM.pdf

d) Outstanding R.S. 2477 claims within a monument – type of road claimed and history

There are 1,703 roads claimed in San Juan county under R.S. 2477. This figure also includes lands outside of BENM managed by the Monticello Field Office. (*See: Statewide_RS2477_Claims_102313.pdf and Utah_RS2477Claims.pdf*).

Note: Between 2005 and 2012, the State of Utah and 22 counties filed 30 lawsuits seeking quiet title to over 12,000 claimed R.S. 2477 rights-of-way. The vast majority of these claims are on BLM-administered lands, but claims are pending on lands administered by the National Park Service and U.S. Forest Service. To date, only one case, involving three roads, has been settled (Juab 1). Under a case management order, six cases involving 1,500 claims are currently being litigated —Kane (1), Kane (2), (3), and (4), and Garfield (1) and (2); these cases do not include lands within BENM. The remaining cases have been stayed, although preservation depositions have been allowed to continue. BLM-Utah maintains thousands of records related to R.S. 2477 claims and active or pending litigation, but some of the information is attorney-client privileged.

e) Maps –

BENM provided several maps in the initial data response (*BENM WO 410 Checklist and Supporting Docs subfolder: BENM GeoPDF map.pdf and BENM webmap.pdf*). There are also numerous maps contained within the Monticello Management Plan. We are attaching several maps of cultural and paleontological resources, which may also assist WO 410 in responding to other questions within this document. (1. *ArchaeologicalSurveysMap_UDSH.pdf*; 2. *ArchySiteDensityMap_UDSH.pdf*; 3. *DRAFT*

Monticello FO Cultural Predictive Model Map BLM.pdf; 4. BearsEarsSites Comparison UDSH.pdf and 5. BearsEars_BriefingMap_031417_Paleo_BLM.pdf)

f) Cultural or historical resources, particularly Tribal, located near a monument but not within the boundary that might benefit from inclusion in the monument

Please refer to the *2.g.Bears-Ears-Inter-Tribal-Coalition-Proposal.pdf* in Drive, which describes the Coalitions' proposed boundaries and significance of areas in San Juan county. The Executive Summary for the Bears Ears Inter-Tribal Coalition (*ExecutiveSummaryBearsEarsProposal(BEITwebsite).pdf*) is attached and is significantly larger than the area designated as BENM. The attached *BENM Boundary Comparison Map Web.pdf* shows the extent of the Inter-tribal Coalition proposal as well as the Proclamation boundary (and the Utah Public Land Initiative designations). See also *TribalLettersPostDesignation.pdf*.

g) Other – general questions or comments

1. **Discuss the full range of Proclamation objects.** The initial DOI data call focuses almost exclusively on cultural objects, but the Proclamation identifies many objects of antiquity or historical or scientific interest to be protected, such as paleontological resources.
2. **Minor boundary modifications:** There are a few locations where a very small boundary modification would improve manageability of resources without causing any impacts to the objects identified in the Proclamation. For example, a portion of the Bluff Airport is included within the BENM. BLM-Utah can provide additional information on request.